



STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF
CABLEVISION OF MONMOUTH, INC. FOR
RENEWAL OF A CERTIFICATE OF
APPROVAL TO CONTINUE TO OPERATE
AND MAINTAIN A CABLE TELEVISION
SYSTEM IN THE TOWNSHIP OF
MARLBORO, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY

ORDER OF AMENDMENT
OF A RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE02050276
DOCKET NO. CE00020109

Schenck, Price, Smith & King, Morristown, New Jersey, by James Eric Andrews, Esq., for the Petitioner.

Township Clerk, Township of Marlboro, New Jersey, by Alida DeGaeta, for the Township.

BY THE BOARD¹:

On August 29, 2000, the Board granted a Renewal Certificate of Approval to Cablevision of Monmouth, Inc. ("Petitioner") for the Township of Marlboro ("Township"), in Docket No. CE00020109.

The Petitioner and the Township entered into negotiations regarding amendments to the municipal consent ordinance granted by the Township and to the Renewal Certificate of Approval issued to the Petitioner. The parties agreed to change several elements of the ordinance regarding public, educational and governmental ("PEG") provisions that were enumerated in the Renewal Certificate of Approval. The Township had required that the Petitioner provide a PEG access studio at the Township's Municipal Building and a two-way return line capable of live cablecasting from the Township's recreation building. Specifically, the parties agreed to amend the ordinance as follows: a change in the location of the studio, a

¹ Commissioner Carol J. Murphy did not participate in the deliberations or vote on this matter.

revision to the designation of the PEG channel, and an incorporation of an additional location for live cablecasting to include the Township's municipal building.

The Petitioner agreed to the proposed amendment and on October 25, 2001, the Township adopted an ordinance amending its municipal consent ordinance of October 14, 1999, memorializing the agreement. On February 11, 2002, the Petitioner accepted the amendment to the ordinance. On May 6, 2002, the Petitioner filed a petition for Amendment of the Certificate of Approval, pursuant to N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7. In its petition, the Petitioner requested that the Board approve an amendment to the municipal consent upon which the Renewal Certificate of Approval was based.

The Board has reviewed the petition for Amendment of the Certificate of Approval and the amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following provisions shall replace Provision Nos. 12 and 13 of the Renewal Certificate of Approval issued on August 20, 2000 in their entirety:

12. The Petitioner shall provide public, educational, and governmental ("PEG") access services, technical support, training and facilities as described in the application and the municipal consent ordinance. The Petitioner shall wire the municipal building and the recreation building. The Petitioner shall provide a fully operational studio at the recreation building, located at 1996 Recreation Way, or other designated area at the municipal complex, which will be equipped with cameras and ancillary equipment needed for taped and live studio cablecasting. The Petitioner shall also provide the Township with the capability of live programming from the recreation building and the municipal building. The Petitioner shall also provide training pursuant to the ordinance. In no event shall the Petitioner provide less than 30 hours of annual training, if requested by the Township.
13. Upon request, the Petitioner shall provide one channel for education and governmental ("EG") access purposes. Within 36 months of activation of the EG channel on the Petitioner's system, the Township shall expand such use to include non-commercial public access programming by residents of the Township. The Petitioner shall also provide up to an additional two channels for PEG access purposes, upon 120 days advance written notice from the Township. The provision of additional PEG channels shall be based on the usage requirements as stated in the ordinance.

Therefore, the Petitioner is HEREBY ISSUED this Amendment to the Renewal Certificate of Approval as evidence of the Petitioner's authority to construct, operate and maintain a cable television system in the Township. The Amendment shall not affect any of the remaining terms and conditions of the Certificate of Approval issued by the Board in its grant of operating authority. This Amendment to the Renewal Certificate of Approval is subject to all applicable state and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof, shall be incorporated into the Amendment to the

Renewal Certificate of Approval. Additionally, and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of the Certificate issued by the Board.

This Amendment to the Renewal Certificate of Approval is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

DATED: June 26, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY